

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ALLAN FLETCHER,

Plaintiff,

v.

CLENDENIN, et al.,

Defendants.

Case No.: 1:22-cv-0249 JLT BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 48)

Allan Fletcher seeks to hold the defendants liable for violations of his civil rights while housed at Coalinga State Hospital. (*See* Docs. 11, 16.) The assigned magistrate judge found Plaintiff failed to obey the Court's orders and failed to prosecute the action. (Doc. 48 at 1-2.) The magistrate judge found terminating sanctions appropriate, after considering the factors identified by the Ninth Circuit in *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). (*Id.* at 2-4.) The magistrate judge observed: "Plaintiff is no longer prosecuting this action, and the Court cannot afford to expend resources resolving an unopposed dispositive motion in a case which Plaintiff is no longer prosecuting." (*Id.* at 4.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.*)

The Court served these Findings and Recommendations on the parties and notified them that any objections were due within 14 days. (Doc. 48 at 4.) The Court also advised that the "failure to file objections within the specified time may result in the waiver of the 'right to

1 challenge the magistrate's factual findings' on appeal." (*Id.*, citing *Wilkerson v. Wheeler*, 772
2 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so expired.

3 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
4 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
5 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations issued on December 2, 2024 (Doc. 48) are
7 **ADOPTED** in full.
- 8 2. This action is **DISMISSED** without prejudice for Plaintiff's failure to obey the
9 Court's orders and failure to prosecute.
- 10 3. The Clerk of Court is directed to terminate pending matters and close this case.

11
12 IT IS SO ORDERED.

13 Dated: **December 30, 2024**


UNITED STATES DISTRICT JUDGE